

WEDNESDAY, MARCH 13, 1991

TWENTY-FIRST LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. David R. Davis, First United Methodist Church, Livingston, Tennessee.

Representative John Mark Windle led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Hassell; due to personal business.

REPORT OF COMMITTEE ON CALENDAR AND RULES
March 12, 1991

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the Regular Calendar for Wednesday, March 13, 1991: House Bill(s) No(s). 1267, 133, 1038, 367, 487, 36, 995, 499, 293, 416, 243, 260 and 258.

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We have also set the following bills on the **Regular Calendar** for **Thursday, March 14, 1991**: House Bill(s) No(s). 565.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 18, 1991**: House Bill(s) No(s). 605, 600, 1044, 259, 247, 249 and 414; also, House Joint Resolution(s) No(s). 70, 93 and 86.

We further recommend that House Joint Resolution No. 14 be transferred to the Finance, Ways and Means Committee.

PHILLIPS, Chair.

The Speaker referred House Joint Resolution No. 14 to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

AGRICULTURE March 12, 1991

MR. SPEAKER: Your Agriculture Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 793.

RAY DAVIS, Chair.

Under the rules, House Bill(s) No(s). 793 was/were transmitted to the Calendar and Rules Committee.

COMMERCE March 12, 1991

MR. SPEAKER: Your Commerce Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 569 and 1340; for passage if amended: House Bill(s) No(s). 27 and 908.

RHINEHART, Chair.

Under the rules, House Bill(s) No(s). 569 and 1340; also, House Bill(s) No(s). 27 and 908 with amendments was/were transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS March 13, 1991

MR. SPEAKER: Your Consumer and Employee Affairs Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 424, 1207 and 1266.

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We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1254.

CLARK, Chair.

Under the rules, House Bill(s) No(s). 424, 1207 and 1266 was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1254 to the Finance, Ways and Means Committee.

EDUCATION
March 12, 1991

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for passage if amended: House Bill(s) No(s). 760.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: if amended, House Bill(s) No(s). 685.

DAVIDSON, Chair.

Under the rules, House Bill(s) No(s). 760 with amendments was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 685 with amendments to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS
March 12, 1991

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 789 and 1263; for passage if amended: House Bill(s) No(s). 841 and 1262.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 789 and 1263; also, House Bill(s) No(s). 841 and 1262 with amendments was/were transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS
March 12, 1991

MR. SPEAKER: Your Government Operations Committee reports that we have carefully considered and recommend for passage: House

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Bill(s) No(s). 235 and 329; for passage if amended: House Bill(s) No(s). 156, 331 and 777.

KING, Chair.

Under the rules, House Bill(s) No(s). 235 and 329; also, House Bill(s) No(s). 156, 331 and 777 with amendments was/were transmitted to the Calendar and Rules Committee.

**STATE AND LOCAL GOVERNMENT
March 12, 1991**

MR. SPEAKER: Your State and Local Government Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 12, 426, 650, 751, 775, 959, 1059, 1060, 1258 and 1405; for passage if amended: House Bill(s) No(s). 460, 647, 748, 1259, 1282, 1300 and 1375.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 207, 796 and 1151; if amended: House Bill(s) No(s). 350, 1006 and 1261.

LOVE, Chair.

Under the rules, House Bill(s) No(s). 12, 426, 650, 751, 775, 959, 1059, 1060, 1258 and 1405; also, House Bill(s) No(s). 460, 647, 748, 1259, 1282, 1300 and 1375 with amendments was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 207, 796 and 1151; also, House Bill(s) No(s). 350, 1006 and 1261 with amendments to the Finance, Ways and Means Committee.

**TRANSPORTATION
March 12, 1991**

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 151, 534, 660, 663 and 1322; for passage if amended: House Bill(s) No(s). 717 and 1279; for adoption: House Joint Resolution(s) No(s). 83.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 874 and 559.

ROBB ROBINSON, Chair.

Under the rules, House Bill(s) No(s). 151, 534, 660, 663 and 1322; House Joint Resolution(s) No(s). 83; also House Bill(s)

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No(s). 717 and 1279 with amendments was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 874 and 559 to the Finance, Ways and Means Committee.

MESSAGE FROM THE SENATE
March 12, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 45, 439, 485, 676, 754, 834, 853, 916, 1144, 1390 and 1409; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0045 --** Juries and Jurors -- Exempts court employees and law enforcement officers from jury duty. Amends TCA 22-1-103. by *Koella, *Person.

***Senate Bill No. 0439 --** Criminal Procedure -- Clarifies application procedures for extradition of escapees, bail jumpers and parole violators. Amends TCA 40-9-124. by *Haynes.

Senate Bill No. 0485 -- Consumer Protection -- Requires stricter disclosures in camping promotional offers. Amends TCA 47-18-405. by *Cooper, *McKnight.

***Senate Bill No. 0676 --** Health and Environment, Dept. of -- Authorizes waivers from or new regulations for large swimming pool. Amends TCA, Title 68, Ch. 14. by *McNally.

***Senate Bill No. 0754 --** Health -- Revises membership of emergency medical services board. Amends TCA 68-39-503. by *McKnight.

***Senate Bill No. 0834 --** County Government -- Limits period during which Class 2 county legislative body must act to determine compensation of successor legislative body. Amends TCA 5-5-107. by *Albright, Atchley, Gilbert.

***Senate Bill No. 0853 --** County Officers -- Increase travel allowance for law enforcement officers retrieving fugitives from other jurisdictions. Amends TCA 40-9-126, 127. by *Kyle, McKnight.

***Senate Bill No. 0916 --** Education, Higher -- Authorizes appointment of administrative judges and hearing officers. Amends TCA, Title 4, Ch. 5. by *Gilbert.

***Senate Bill No. 1144 --** Water Resources -- Permits members of watershed board to be compensated. Amends TCA, Title 69, Ch. 7. by *Dunavant.

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Senate Bill No. 1390 -- Revenue, Dept. of -- Authorizes commissioner to contract with collection agency to collect unpaid taxes. Amends TCA, Title 67, Ch. 1, Pt. 14, 67-1-1704. by *Darnell, McKnight.

***Senate Bill No. 1409** -- Financial Disclosure -- Revises campaign finance, lobbyists, and conflict of interest disclosure filing requirements. by *Cohen, McKnight.

MESSAGE FROM THE SENATE

March 12, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 80 and 89; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0080** -- General Assembly, Confirmation of Appointment -- Judy Gail Beasley, state board of education. by *Womack, *McKnight.

***Senate Joint Resolution No. 0089** -- General Assembly, Studies -- Creates non-legislative task force to study fatal child abuse. by *Greer.

MESSAGE FROM THE SENATE

March 12, 1991

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 107 and 129; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 12, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 123 and 125; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

March 12, 1991

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 123 and 125.

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ENROLLED BILLS

March 12, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills(s) No(s). 370, 952, 1494, 1498, 1509, 1510, 1511, 1513, 1514 and 1518; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 12, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 107 and 129; for his action.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 12, 1991

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 324, 672 and 1462; also, Senate Joint Resolution(s) No(s). 100, 101, 102 and 120.

SIGNED

March 12, 1991

The Speaker announced that he had signed the following: House Bill(s) No(s). 370, 952, 1494, 1498, 1509, 1510, 1511, 1513, 1514 and 1518.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

March 12, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 38 and 52; also, House Joint Resolution(s) No(s). 74, 105, 107, 108, 115 and 129; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

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**REPORT OF COMMITTEE ON CALENDAR AND RULES
March 13, 1991**

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Thursday, March 14, 1991:** House Bill(s) No(s). 66, 183, 184, 185, 186, 1413, 268, 522, 1255, 374, 279 and 1218.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 18, 1991:** House Bill(s) No(s). 622; also, House Resolution(s) No(s). 14 and 15.

PHILLIPS, Chair.

REPORTS FROM STANDING COMMITTEES

**CONSERVATION AND ENVIRONMENT
March 13, 1991**

MR. SPEAKER: Your Conservation and Environment Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 988 and 1249.

HILLIS, Chair.

Under the rules, House Bill(s) No(s). 988 and 1249 was/were transmitted to the Calendar and Rules Committee.

**HEALTH AND HUMAN RESOURCES
March 13, 1991**

MR. SPEAKER: Your Transportation Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 804, 1250 and 1384; for passage if amended: House Bill(s) No(s). 485.

We further recommend that, pursuant to **Rule No. 72**, the following be referred to Finance, Ways and Means: House Bill(s) No(s). 1225.

DIXON, Chair.

Under the rules, House Bill(s) No(s). 804, 1250 and 1384; also House Bill(s) No(s). 485 with amendments was/were transmitted to the Calendar and Rules Committee.

Pursuant to **Rule No. 72**, the Speaker referred House Bill(s) No(s). 1225 to the Finance, Ways and Means Committee.

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JUDICIARY
March 13, 1991

MR. SPEAKER: Your Judiciary Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 418, 632, 670, 989 and 1074; for passage if amended: House Bill(s) No(s). 210, 299, 616 and 1049.

BUCK, Chair.

Under the rules, House Bill(s) No(s). 418, 632, 670, 989 and 1074; also, House Bill(s) No(s). 210, 299, 616 and 1049 with amendments was/were transmitted to the Calendar and Rules Committee.

REGULAR CALENDAR

House Bill No. 0623 -- Fire Prevention and Investigation -- Reduces liability of insurance agency for information supplied to fire officials in cases of suspected arson. Similar to *SB 397/HB 614. Amends TCA 68-17-115.

Further consideration of House Bill No. 623, previously considered on March 4, 1991, at which time it was reset to the calendar for March 13, 1991.

Rep. Buck moved that House Bill No. 623 be passed on third and final consideration.

Rep. Williams (Shelby) moved to amend as follows:

Amendment No. 1

Amend House Bill No. 623 by deleting Section 1 in its entirety and by substituting instead the following:

Tennessee Code Annotated, Section 68-17-115(c), is amended by deleting the language "or negligence".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that **House Bill No. 623**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels,

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Haley, Halteman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 0898 -- Teachers -- Authorizes payroll dues deduction for professional education associations at state special schools.

Rep. Kisber moved that House Bill No. 898 be passed on third and final consideration.

Rep. Hill moved to amend as follows:

Amendment No. 1

Amend House Bill No. 898 by adding at the end of the amendatory language in Section 1 a new paragraph as follows:

The provisions of this subdivision shall not apply to the Tennessee School for the Deaf in Knoxville.

Rep. Kisber moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes.	52
Noes.	40
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bragg, Byrd, Callicott, Chumney, Clark, Cole, Collier, Cross, Curlee, Davidson, Davis (Gibson), Dixon, Ferguson, Fowlkes, Givens, Haley, Hargrove, Head, Hillis, Holt, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Love, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Windle, Winningham, Wix, Mr. Speaker Naifeh -- 52.

Representatives voting no were: Allen, Bittle, Bivens, Buck, Chiles, Coffey, Copeland, Crain, Davis (Knox), Duer, Garrett, Gunnels, Halteman, Harrill, Haun, Hill, Holcomb, Hubbard, Huskey, Joyce, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber,

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Peroulas Draper, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Venable, Walley, Williams (Shelby), Williams (Union), Wood -- 40.

Representatives present and not voting were: Jones U (Shelby)
-- 1.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to table Amendment No. 1 to House Bill No. 898 and have this statement entered in the Journal.

Rep. Anderson

REGULAR CALENDAR, CONTINUED

Rep. Kisber moved that House Bill No. 898 be passed on third and final consideration.

Rep. Bivens moved that House Bill No. 898 be referred to the State and Local Government Committee.

Rep. Kisber moved to table the motion to refer House Bill No. 898, which motion prevailed by the following vote:

Ayes.	59
Noes.	33

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Dixon, Ferguson, Fowlkes, Garrett, Givens, Haley, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Hamilton), Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Bittle, Bivens, Chiles, Coffey, Cole, Copeland, Davis (Knox), Duer, Gunnels, Halteman, Harrill, Haun, Hill, Holcomb, Hubbard, Joyce, Liles, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Rigsby, Robinson (Washington), Severance, Sipes, Stamps, Tullos, Venable, Williams (Union), Wood -- 33.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Kisber moved that House Bill No. 898 be passed

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on third and final consideration, which motion prevailed by the following vote:

Ayes.	68
Noes.	29
Present and not voting.	1

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Haley, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Love, Moore, Napier, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 68.

Representatives voting no were: Allen, Bittle, Bivens, Chiles, Coffey, Copeland, Davis (Knox), Duer, Gunnels, Halteman, Harrill, Haun, Hill, Holcomb, Hubbard, Liles, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Peroulas Draper, Rigsby, Robinson (Washington), Tullis, Venable, Williams (Union), Wood -- 29.

Representatives present and not voting were: Sipes -- 1.

A motion to reconsider was tabled.

House Bill No. 0768 -- Taxes -- Revises certain tax obligations of certain financial institutions. Amends TCA 67-4-804--806, 815, 817, 67-4-903, 914, 919.

On motion, House Bill No. 768 was made to conform with Senate Bill No. 766.

On motion, **Senate Bill No. 766**, on same subject, was substituted for House Bill No. 768.

Rep. Kisber moved that **Senate Bill No. 766** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis,

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Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

House Bill No. 0369 -- Public Service Commission -- Authorizes rules for safe operation of railroad equipment in certain locations. Amends TCA, Title 65, Ch. 3.

Rep. Whitson moved that House Bill No. 369 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 369 by deleting in its entirety the last sentence of the amendatory language of subsection (a) of Section 1.

On motion, Amendment No. 1 was adopted.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 369 by inserting the word "public" between the words "at" and "rail highway crossings" in subsection (a) of the amendatory language of Section 1.

On motion, Amendment No. 2 was adopted.

Rep. Whitson moved to amend as follows:

Amendment No. 3

Amend House Bill No. 369 by deleting the period "." at the end of the first sentence of the amendatory language of Section 1(a) and by substituting instead the following words and punctuation:

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, except for those areas of loading and unloading facilities requiring no access for service by Class I railroads.

On motion, Amendment No. 3 was adopted.

Thereupon, Rep. Whitson moved that **House Bill No. 369**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 0325 -- Taxes -- Enacts "Soldier's Tax Relief Act of 1991". Amends TCA, Title 67.**

Rep. Allen moved that House Bill No. 325 be passed on third and final consideration.

Rep. Love moved that State and Local Government Committee Amendment No. 1 be moved to the heel of the amendments, which motion prevailed.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 325 by adding the following language at the end of Section 6:

The commissioner shall develop a method to notify each person to whom this act applies. The notice shall include a statement detailing which taxes are delayed, the time

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limitations imposed by this act for paying such taxes, and the type of proof that must be presented. The notice should be mailed at least sixty (60) days prior to the date such taxes are due as provided in this act.

Rep. Love moved to amend as follows:

Rep. Love moved to amend Amendment No. 2 as follows:

Amendment No. 1 to Amendment No. 2

Amend House Bill No. 325 by deleting the amendatory language of Amendment No. 2 and by substituting the following:

After passage of this bill, the Commissioner shall make reasonable effort to provide notice detailing which taxes are delayed, the time limitations proposed by this Act for paying such taxes, and the type of proof that must be presented prior to the due date of the applicable tax. Notice may be made, in addition to other methods, through releases issued by the Department to the media or to branches of the Armed Services in which such taxpayers may serve.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Thereupon, Rep. Love moved adoption of Amendment No. 2, as amended, which motion prevailed.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 325 by deleting the amendatory section 67-4-822 in Section 4 and by substituting instead the following:

Section 67-4-822.

No excise tax owed by an entity in which seventy-five percent (75%) or more of the ownership interest is held by a person who is in the armed forces of the United States, or called into active military service of the United States, as defined in Tennessee Code Annotated, Section 58-1-102, from a reserve or national guard unit shall be due until ninety (90) days following the conclusion of hostilities in which such person is actually engaged outside the United States. A person claiming this delay shall present proof, satisfactory to the commissioner, of his or her deployment and stationing outside the United States during a period of hostilities. This provision shall expressly apply to personnel stationed in or about Saudi Arabia on the effective date of this act.

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AND FURTHER AMEND by deleting the amendatory section 67-4-921, in Section 5 and by substituting instead the following:

Section 67-4-921.

No franchise tax owed by an entity in which seventy-five percent (75%) or more of the ownership interest is held by a person who is in the armed forces of the United States, or called into active military service of the United States, as defined in Tennessee Code Annotated, Section 58-1-102, from a reserve or national guard unit shall be due until ninety (90) days following the conclusion of hostilities in which such person is actually engaged outside the United States. A person claiming this delay shall present proof, satisfactory to the commissioner, of his or her deployment and stationing outside the United States during a period of hostilities. This provision shall expressly apply to personnel stationed in or about Saudi Arabia on the effective date of this act.

On motion, Amendment No. 3 was adopted.

Rep. Love moved to amend as follows:

Amendment No. 1

AMEND House Bill No. 325 by adding the following at the end of the amendatory subsection (b) in Section 2:

The estate of any such person who is killed in action in such hostilities shall owe no tax under this chapter and any liability for any such tax, penalty or interest is forgiven.

AND FURTHER AMEND by adding the following at the end of the amendatory section in Section 3:

The estate of any such person who is killed in action in such hostilities shall owe no tax under this chapter and any liability for any such tax, penalty or interest is forgiven.

AND FURTHER AMEND by adding the following at the end of the amendatory section in Section 4:

No such entity shall owe tax under this chapter if such person holding such ownership interest is killed in action in such hostilities and any liability for any such tax, penalty or interest is forgiven.

AND FURTHER AMEND by adding the following at the end of the amendatory section in Section 5:

No such entity shall owe tax under this chapter if

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such person holding such ownership interest is killed in action in such hostilities and any liability for any such tax, penalty or interest is forgiven.

Rep. Love moved to amend Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

Amend House Bill No. 325 by deleting the amendatory language of Amendment No. 2 and by substituting the following:

After passage of this bill, the Commissioner shall make reasonable effort to provide notice detailing which taxes are delayed, the time limitations proposed by this Act for paying such taxes, and the type of proof that must be presented prior to the due date of the applicable tax. Notice may be made, in addition to other methods, through releases issued by the Department to the media or to branches of the Armed Services in which such taxpayers may serve.

Rep. Allen moved that House Bill No. 325 be reset one week to the Calendar for Wednesday, March 20, 1991, which motion prevailed.

***House Bill No. 0026 -- Aircraft and Airports --** Allows increased flexibility in making certain appointments to board of commissioners of metropolitan airport authority. Amends TCA 42-4-105.

Rep. West moved that House Bill No. 26 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 26 by adding the following language at the end of the amendatory language of Section 1:

The black appointee shall reside in the old inner city area of Nashville.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. West moved that **House Bill No. 26**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	97
Noes.	0

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Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 0051** -- Advertising -- Imposes use tax on volume of catalogues, advertising fliers and other advertising publications distributed to residents. Amends TCA, Title 67, Ch. 6.

On motion, House Bill No. 51 was made to conform with Senate Bill No. 95.

On motion, **Senate Bill No. 95**, on same subject, was substituted for House Bill No. 51.

Rep. Dixon moved that **Senate Bill No. 95** be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Thereupon, Rep. Dixon moved that **Senate Bill No. 95** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell,

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Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0782 -- Hickman County -- Increases severance tax on phosphate rock. Amends Chapter 92, Private Acts of 1979.

Further consideration of House Bill No. 782, previously considered on March 11, 1991, at which time it was reset to the Calendar for March 13, 1991.

Rep. Jackson moved passage of **House Bill No. 782** on third and final consideration, which motion failed by the following vote:

Ayes.	36
Noes.	17
Present and not voting.	32

Representatives voting aye were: Anderson, Arriola, Bivens, Bragg, Buck, Byrd, Clark, Coffey, Collier, Crain, Davidson, Davis (Gibson), Duer, Ferguson, Gunnels, Hargrove, Head, Herron, Hillis, Holcomb, Holt, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, McKee, Phillips, Purcell, Ridgeway, Robinson (Hamilton), Tindell, Whitson, Wood, Mr. Speaker Naifeh -- 36.

Representatives voting no were: Bell, Chiles, Chumney, Haley, Hill, Joyce, King, Knight, Liles, McAfee, Meyer, Moore, Napier, Niceley, Robinson (Davidson), Shirley, Stamps -- 17.

Representatives present and not voting were: Allen, Bittle, Callicott, Cross, Curlee, Davis (Knox), DeBerry, Dixon, Fowlkes, Givens, Halteman, Hubbard, Jones U (Shelby), Love, McDaniel, Nuber, Peroulas Draper, Pinion, Pruitt, Rhinehart, Rigsby, Rinks, Robinson (Washington), Sipes, Tullos, Turner (Shelby), Venable, Walley, West, Williams (Union), Windle, Winningham -- 32.

Pursuant to **Rule No. 39**, House Bill No. 782, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

House Bill No. 0859 -- Hickman County -- Increases severance tax from 5 to 15 cents per ton. Amends Chapter 92, Private Acts of 1979.

Rep. Jackson moved that House Bill No. 859 be reset three weeks to the Calendar for April 3, 1991, which motion prevailed.

House Bill No. 0875 -- Contractors -- Enacts "Prompt Pay Act of 1991". Amends TCA, Title 12, Ch. 4, Pt. 7; Title 66.

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Rep. Bivens moved that House Bill No. 875 be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employee Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 875 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, is amended by adding the following language as a new Chapter 34 with new parts as indicated:

Part 1 -- General Provisions

66-34-101. The title of this chapter is and may be cited as "The Prompt Pay Act of 1991".

66-34-102. As used in this chapter, unless the context or subject matter indicates another meaning, the words and phrases defined in Tennessee Code Annotated, Section 66-11-101, as amended and as may from time to time be amended, shall have the same meaning as set out therein and such section as amended and as may from time to time be amended, is incorporated herein by reference.

Part 2 -- Owner/Contractor Payment

66-34-201. Performance by a contractor in accordance with the provisions of a written contract with an owner for improvement of real property shall entitle such contractor to payment from the owner.

66-34-202. When a contractor has performed in accordance with the provisions of the contractor's written contract with the owner, the owner shall pay to the contractor within the time provided in the contract, after timely submission of an application for payment by the contractor to the owner or the representative of the owner, the full amount earned by the contractor less only those amounts as may be provided herein in performance of such contract with the owner. Failure of an architect, engineer or other agent employed by the owner to review and approve an application for payment for work which has been performed in accordance with the contract, shall not excuse the owner from making payment in accordance with this chapter.

66-34-203. Nothing in this chapter shall prevent the owner from reasonably withholding payment or a portion of a payment to the contractor provided that such withholding is

in accordance with the provisions of the written contract between the owner and the contractor. The owner may also withhold a reasonable amount of retainage as specified in the written contract between the owner and the contractor.

66-34-204. When an owner has received a use and/or occupancy permit for an improvement from a governmental agency lawfully issuing such permit, or when an owner has received a certificate of substantial completion from an architect charged with supervision of the construction of an improvement, or when an owner begins to use or could have begun to use an improvement pursuant to the terms of the written contract, the owner shall, after any such event, pay to the contractor all retainage the owner may have withheld pursuant to the written contract except any sum which the owner may reasonably withhold in accordance with provisions of the written contract between the owner and the contractor.

66-34-205. Any sums allocated by the owner or provided or committed to the owner by a third party which are intended to be used as payment for improvements made to real property by virtue of a written contract between the owner and the contractor shall be held by the owner or third party in trust for the benefit and use of the contractor and shall be subject to all legal and equitable remedies.

Part 3 -- Contractor/ Subcontractor, Materialman
or Furnisher Payment

66-34-301. Performance by a subcontractor, materialman or furnisher in accordance with the provisions of such person's written contract with a contractor for improvement of real property shall entitle such person to payment from the contractor.

66-34-302. When a subcontractor, materialman or furnisher has performed in accordance with the provisions of such person's written contract with a contractor, the contractor shall pay to the subcontractor, materialman or furnisher within the time provided in such contract the full amount received by the contractor for such subcontractor's, materialman's, or furnisher's work and materials for which subcontractor, materialman or furnisher has made timely application for payment and such subcontractor's, materialman's or furnisher's pro rata share of any interest provided for in Section 66-34-601 which was actually received by the contractor.

66-34-303. Nothing in this chapter shall prevent the contractor from reasonably withholding payment or a portion of payment to the subcontractor, materialman or furnisher, provided that such withheld payment is in accordance with

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the provisions of the written contract between the contractor and the subcontractor, materialman or furnisher. The contractor may also withhold a reasonable amount of retainage as specified in the written contract between the contractor, subcontractor, materialman or furnisher.

66-34-304. Any sums received by the contractor as payment for work, services, equipment, and materials supplied by the subcontractor, materialman or furnisher for improvements to real property shall be held by the contractor in trust for the benefit and use of such subcontractor, materialman or furnisher and shall be subject to all legal and equitable remedies.

**Part 4 -- Subcontractor, Materialman or Furnisher
/Subcontractor, Materialman or Furnisher Payment**

66-34-401. A subcontractor, materialman or furnisher contracting in writing with another subcontractor, materialman or furnisher for the improvement of real property shall make payment to such other subcontractor, materialman or furnisher in accordance with Part 3 herein.

Part 5 -- Architect and/or Engineer Payment

66-34-501. an architect and/or engineer furnishing design or contract administration services to an owner, contractor, subcontractor, materialman or furnisher for the improvement of real property shall be entitled to payment in accordance with Part 2, if the architect and/or engineer contracts in writing with the owner, or in accordance with Part 3, if the architect and/or engineer contracts in writing with a contractor, subcontractor, materialman or furnisher.

Part 6 -- General

66-34-601. Any payment not made in accordance with this chapter shall accrue interest, from the date due until the date paid at the rate of interest for delinquent payments provided in written contract.

66-34-602.

(a) A contractor, who has not received payment from an owner, or a subcontractor, materialman or furnisher who has not received payment from a contractor or other subcontractor, materialman or furnisher, in accordance with the provisions of this chapter, shall notify the party failing to make payment of the provisions of this chapter and of the notifying party's intent to seek relief provided for within this chapter. Such notification shall be made

by registered or certified mail, return receipt requested. If the notified party does not, within ten (10) calendar days after receipt of such notice, make payment or provide to the notifying party a response giving adequate legal reasons for failure of the notified party to make payment, the notifying party may, in addition to all other remedies available at law or in equity, sue for equitable relief including injunctive relief for continuing violations of this chapter, in the chancery court of the county in which the real property is located. The failure to make the only payment due under the contract may be considered to be a continuing violation under this chapter.

(b) Reasonable attorney's fees may be awarded against the non-prevailing party provided that such non-prevailing party has acted in bad faith.

(c) A bond in double the amount claimed or ordered to be paid shall be filed with good sureties to be approved by the clerk prior to the issuance of any injunctive relief.

66-34-603. Compliance with Section 66-34-205, Section 66-34-304, and Section 66-34-602 of this chapter may not be waived by contract and shall be applicable to all private contracts and all construction contracts with the state of Tennessee, any department, board or agency thereof including the University of Tennessee and all counties and municipalities and all departments, boards or agencies thereof including all school and education boards, and any other subdivision of the state.

66-34-604. The provisions of this chapter shall not apply to contracts for the construction of or home improvement to any land or building, or that portion thereof which is used or designed to be used as a residence or dwelling place for one (1), two (2), three (3), or four (4) single family units.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 1991, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

Rep. Bivens moved to amend as follows:

Amendment No. 2

Amend House Bill No. 875 by deleting the section designated as 66-34-204 in Section 1 in its entirety and by substituting instead the following:

66-34-204. When an owner has received a use and/or occupancy permit for an improvement from a governmental agency lawfully issuing such permit, or when an owner has received a certificate of substantial completion from an architect charged with supervision of the construction of an improvement, or when an owner begins to use or could have begun to use an improvement, the owner shall, after any such event and pursuant to the terms of the written contract, pay to the contractor all retainage the owner may have withheld pursuant to the written contract except any sum which the owner may reasonably withhold in accordance with provisions of the written contract between the owner and the contractor.

On motion, Amendment No. 2 was adopted.

Rep. Bivens moved to amend as follows:

Amendment No. 3

AMEND House Bill No. 875 by deleting the section designated as Section 66-34-205 from the amendatory language of Section 1 and substituting instead the following new section:

66-34-205. Any sums allocated by the owner or provided or committed to the owner by a third party which are intended to be used as payment for improvements made to real property by virtue of a written contract between the owner and the contractor shall be held by the owner or third party in trust for the benefit and use of the contractor and shall be subject to all legal and equitable remedies. This section shall not apply to the state of Tennessee, including its departments, boards, or commissions, or to any institution of higher education.

AND FURTHER AMEND by deleting the section designated as Section 66-34-603 from the amendatory language of Section 1 and

substituting instead the following new section:

66-34-603. Except as specifically noted, compliance with Section 66-34-205, Section 66-34-304, and Section 66-34-602 of this chapter may not be waived by contract and shall be applicable to all private contracts and all construction contracts with the state of Tennessee, any department, board or agency thereof including the University of Tennessee and all counties and municipalities and all departments, boards or agencies thereof including all school and education boards, and any other subdivision of the state.

On motion, Amendment No. 3 was adopted.

Rep. Rhinehart moved to amend as follows:

Amendment No. 4

Amend House Bill No. 875 by adding to SECTION 1 at the end of Section 66-34-202 the following:

Provided, however, this section shall not require payment if an architect has certified that a contractor has not completed performance.

On motion, Amendment No. 4 was adopted.

Thereupon, Rep. Bivens moved that **House Bill No. 875**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harriell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

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Representatives present and not voting were: Purcell -- 1.

A motion to reconsider was tabled.

House Bill No. 1385 -- Motor Vehicles -- Permits use of post office box number in registering motor vehicle. Amends TCA, Title 55, Ch. 4, Pt. 1.

Rep. Rhinehart moved that House Bill No. 1385 be reset two weeks to the Calendar for Wednesday, March 27, 1991, which motion prevailed.

House Bill No. 1267 -- Highways, Roads and Bridges -- Allows left-hand turns onto one-way streets unless prohibited by sign. Amends TCA 55-8-110.

Rep. Robinson (Davidson) moved that House Bill No. 1267 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 0133 -- Litter Control -- Extends temporary tax on beer and soft drinks. Amends TCA 57-5-201, 67-4-402.

On motion, House Bill No. 133 was made to conform with Senate Bill No. 120.

On motion, **Senate Bill No. 120**, on same subject, was substituted for House Bill No. 133.

Rep. Rhinehart moved that **Senate Bill No. 120** be passed on third

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and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1038 -- Taxes, Personal Property -- Increases notice period from ten to fourteen days for seizure of property for delinquent taxes. Amends TCA, Title 67.

Rep. Rhinehart moved that House Bill No. 1038 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Haley, Halteman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

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***House Bill No. 0367** -- Teachers -- Allows retired teachers to serve as school board members or county commissioners in certain counties. Amends TCA, Title 8, Ch. 36, Pt. 8.

On motion, House Bill No. 367 was made to conform with Senate Bill No. 1122.

On motion, **Senate Bill No. 1122**, on same subject, was substituted for House Bill No. 367.

Rep. Whitson moved that **Senate Bill No. 1122** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1 (also recommended by the Council on Pensions and Insurance) .

Rep. Whitson moved that **Senate Bill No. 1122** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 0487** -- Education -- Increases number of fellows. Amends TCA, Title 49, Ch. 4.

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Rep. U. Jones moved that House Bill No. 487 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 487 by adding the following as a new section immediately preceding the effective date section:

SECTION _____. The provisions of this act shall take effect only if a sum sufficient to cover the estimated first year fiscal effect of the act is included in the general appropriations act.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. U. Jones moved that House Bill No. 487, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

***House Bill No. 0036** -- Election Laws -- Authorizes use of computerized printouts at polling places instead of duplicate registration records. Amends TCA 2-5-216.

Rep. Wood moved that House Bill No. 36 be reset one week to the Calendar for March 20, 1991, which motion prevailed.

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House Bill No. 0995 -- Election Laws -- Expands eligibility for absentee voting. Amends TCA 2-6-102.

On motion, House Bill No. 995 was made to conform with Senate Bill No. 478.

On motion, **Senate Bill No. 478**, on same subject, was substituted for House Bill No. 995.

Rep. Bivens moved that **Senate Bill No. 478** be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Bivens moved that **Senate Bill No. 478** be passed on third and final consideration.

Rep. Bivens moved that Senate Bill No. 478 be reset one week to the Calendar for March 20, 1991, which motion prevailed.

***House Bill No. 0499** -- Consumer Protection -- Prohibits use of counterfeit merchandise in flea markets. Amends TCA 47-18-104.

Rep. Winningham moved that House Bill No. 499 be reset to the Calendar for March 14, 1991, which motion prevailed.

***House Bill No. 0293** -- Election Laws -- Deletes posting requirements for list of persons who register to vote by mail. Amends TCA 2-2-115.

On motion, House Bill No. 293 was made to conform with Senate Bill No. 474.

On motion, **Senate Bill No. 474**, on same subject, was substituted for House Bill No. 293.

Rep. Collier moved that **Senate Bill No. 474** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	1
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U

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(Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Buck -- 1.

Representatives present and not voting were: Robinson (Hamilton) -- 1.

A motion to reconsider was tabled.

House Bill No. 0416 -- County Government -- Authorizes compensation for county board of public utility serving two or more counties. Amends TCA 5-16-103.

On motion, House Bill No. 416 was made to conform with Senate Bill No. 495.

On motion, **Senate Bill No. 495**, on same subject, was substituted for House Bill No. 416.

Rep. McKee moved that **Senate Bill No. 495** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Fowlkes -- 1.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 495 and have this statement entered in the Journal.

Rep. U. Jones

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 495 and have this statement entered in the Journal.

Rep. Ken Givens

REGULAR CALENDAR, CONTINUED

House Bill No. 0243 -- Sunset Laws -- Extends termination date of West Fork Drakes Creek dam and reservoir interstate authority. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

Rep. King moved that House Bill No. 243 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 243 by deleting Section 2 in its entirety and by substituting instead the following new Section:

SECTION 2. Tennessee Code Annotated, Section 4-29-212(a), is amended by adding a new item thereto, as follows:

() West Fork Drakes Creek dam and reservoir interstate authority, created by § 64-1-901;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that House Bill No. 243, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	90
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark,

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Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

***House Bill No. 0260** -- Sunset Laws -- Extends termination date of building code appeals board; restructures board of appeals for schools and jails. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 18.

Rep. King moved that House Bill No. 260 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 260 by deleting in the amendatory language of Section 3 the word and figure "nine (9)" and by substituting instead the word and figure "eleven (11)".

AND FURTHER AMEND by inserting the following as new Section 5 and renumbering the existing Section 5 and subsequent sections accordingly:

SECTION 5. Tennessee Code Annotated, Section 68-18-401(b)(1), is amended by deleting subdivisions (A) and (B) and by substituting instead the following:

(A) Two (2) licensed professional architects;

(B) Two (2) licensed professional engineers;

AND FURTHER AMEND in existing Section 7 by deleting the word and figure "five (5)" and by substituting instead the word and figure "six (6)".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **House Bill No. 260**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hillis, Holcomb, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 0258** -- Sunset Laws -- Extends termination date of state board for licensing contractors. Amends TCA, Title 4, Ch. 29; Title 62, Chs. 6, 32, 37.

Rep. King moved that House Bill No. 258 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 258 by adding the following as a new section to precede the effective date section:

SECTION _____. In addition to any other penalty imposed by this chapter, the board may assess civil penalties that do not exceed five thousand dollars (\$5,000) per occurrence.

On motion, Amendment No. 1 was adopted.

Rep. King moved adoption of Government Operations Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 258 by adding the following as a new section to precede the effective date section:

Section _____. Tennessee Code Annotated, Section

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62-6-102(1)(B), is amended by deleting subdivision (ii) in its entirety.

Rep. Rhinehart moved that Amendment No. 2 be tabled, which motion prevailed.

Rep. King moved adoption of Government Operations Committee Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 258 by adding the following as a new section to precede the effective date section:

Section _____. Tennessee Code Annotated, Section 62-6-120, is amended by adding the following as a new subsection thereto:

() In addition to any other penalty imposed by this chapter, any person, firm or corporation may be required to perform work in a philanthropic, charitable, or humanitarian endeavor, as prescribed by the board. The board shall promulgate rules and regulations regarding guidelines for imposing such work requirements, and the categories of projects which are appropriate to effectuate the purposes of this section.

Rep. King moved that House Bill No. 258 be reset one week to the Calendar for Wednesday, March 20, 1991, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 0421 -- Insurance, Credit Life --** Clarifies credit life requirements as to intent of present law to encourage insurers to compete in the market for unequal reducing term insurance and meet needs of consumers. Amends TCA 56-7-908.

Senate Amendment No. 1

Amend House Bill No. 421 by deleting in its entirety Section 4 (as added by House Amendment 1) which reads as follows:

SECTION 4. No policy or certificate of credit life insurance shall be delivered or issued for delivery to any person in this state unless each individual debtor signs a form indicating that such debtor has accepted or declined the option of credit life insurance.

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Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 421, which motion prevailed by the following vote:

Ayes.	91
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullios, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Herron -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 25: Rep(s). Stamps as prime sponsor(s).

House Bill No. 133: Rep(s). Givens as prime sponsor(s).

House Bill No. 148: Rep(s). Arriola, Ferguson and Windle as prime sponsor(s).

House Bill No. 151: Rep(s). Sipes as prime sponsor(s).

House Bill No. 325: Rep(s). Givens, Rigsby, Rinks and Turner (Hamilton) as prime sponsor(s).

House Bill No. 367: Rep(s). Coffey as prime sponsor(s).

House Bill No. 487: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 726: Rep(s). McDaniel and Niceley as prime sponsor(s).

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House Bill No. 774: Rep(s). Moore as prime sponsor(s).

House Bill No. 803: Rep(s). Coffey, Tindell and Windle as prime sponsor(s).

House Bill No. 816: Rep(s). McDaniel as prime sponsor(s).

House Bill No. 908: Rep(s). Cole and Shirley as prime sponsor(s).

House Bill No. 1097: Rep(s). Stamps as prime sponsor(s).

House Bill No. 1144: Rep(s). Chiles as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

House Resolution No. 0027 -- Memorials, Personal Occasion -- Mr. and Mrs. Ollie Hayes, fiftieth wedding anniversary. by *Windle.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0137 -- Memorials, Professional and Business Achievement -- Wallace S. Prescott, Interim President, MTSU. by *Bragg.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0139 -- Memorials, Sports -- Black and Gold Junior Varsity team. by *Severance.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0141 -- Memorials, Public Service -- Raytheon-Bristol. by *Holcomb, *Hubbard, *Venable, *Cole, *Allen, *Whitson, *Robinson Ruth.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0142 -- Memorials, Heroism -- Corporal Douglas Lance Fielder. by *West, *Love, *Odom, *Arriola, *Chiles, *Garrett, *Halteman, *Clark, *Pruitt, *Purcell, *Robinson Robb.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0143 -- Memorials, Professional and Business Achievement -- Tennessee Farm Bureau, nation's most successful state farm bureau. by *Davis Ray, *Curlee, *Givens, *McKee, *Robinson Ruth, *Walley, *Niceley, *Williams M.

Referred by the Speaker to the Calendar and Rules Committee.

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SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

RULES SUSPENDED

Rep. Nuber moved that the rules be suspended for the purpose of concurring in Senate Joint Resolution No. 126, which motion prevailed.

Senate Joint Resolution No. 0126 -- Memorials, Sports -- Germantown High School junior varsity cheerleaders.

On motion of Nuber, the resolution was concurred in by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Nuber moved that the rules be suspended for the purpose of concurring in Senate Joint Resolution No. 127, which motion prevailed.

Senate Joint Resolution No. 0127 -- Memorials, Sports -- Germantown High School freshman cheerleaders.

On motion of Nuber, the resolution was concurred in by the following vote:

Ayes.	95
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles,

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Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were introduced and referred as noted:

***Senate Joint Resolution No. 0080** -- General Assembly, Confirmation of Appointment -- Judy Gail Beasley, state board of education.

Referred by the Speaker to the Education Committee.

***Senate Joint Resolution No. 0089** -- General Assembly, Studies -- Creates non-legislative task force to study fatal child abuse.

Referred by the Speaker to the Health and Human Resources Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1538 -- Pleasant Hill -- Modifies charter relative to elections. Amends Chapter 140, Private Acts of 1963, as amended. by *Hillis, *Duer.

Passed first consideration.

House Bill No. 1539 -- Shelbyville -- Enacts hotel/motel tax. by *Phillips.

Passed first consideration.

House Bill No. 1540 -- Hamilton County -- Authorizes the names on jurors list be determined from the voter registration lists. Amends Chapter 564, Private Acts of 1931, as amended. by *Turner B, *Robinson C B, *Meyer, *Wood, *Copeland, *McAfee.

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Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

***Senate Bill No. 0045** -- Juries and Jurors -- Exempts court employees and law enforcement officers from jury duty. Amends TCA 22-1-103. (HB 0043).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0439** -- Criminal Procedure -- Clarifies application procedures for extradition of escapees, bail jumpers and parole violators. Amends TCA 40-9-124. (HB 1436).

Held pending third consideration of companion House Bill.

Senate Bill No. 0485 -- Consumer Protection -- Requires stricter disclosures in camping promotional offers. Amends TCA 47-18-405. (*HB 0183).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0676** -- Health and Environment, Dept. of -- Authorizes waivers from or new regulations for large swimming pool. Amends TCA, Title 68, Ch. 14. (HB 1367).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0754** -- Health -- Revises membership of emergency medical services board. Amends TCA 68-39-503. (HB 0684).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0834** -- County Government -- Limits period during which Class 2 county legislative body must act to determine compensation of successor legislative body. Amends TCA 5-5-107. (HB 0742).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0853** -- County Officers -- Increase travel allowance for law enforcement officers retrieving fugitives from other jurisdictions. Amends TCA 40-9-126, 127. (HB 1300).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0916** -- Education, Higher -- Authorizes appointment of administrative judges and hearing officers. Amends TCA, Title 4, Ch. 5. (HB 1168).

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Held pending third consideration of companion House Bill.

***Senate Bill No. 1144** -- Water Resources -- Permits members of watershed board to be compensated. Amends TCA, Title 69, Ch. 7. (HB 0644).

Held pending third consideration of companion House Bill.

Senate Bill No. 1390 -- Revenue, Dept. of -- Authorizes commissioner to contract with collection agency to collect unpaid taxes. Amends TCA, Title 67, Ch. 1, Pt. 14, 67-1-1704. (*HB 1262).

Held pending third consideration of companion House Bill.

***Senate Bill No. 1409** -- Financial Disclosure -- Revises campaign finance, lobbyists, and conflict of interest disclosure filing requirements. (HB 1308).

Held pending third consideration of companion House Bill.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 1517 -- Eminent Domain -- Passed second consideration and referred to the Conservation and Environment Committee.

***House Bill No. 1522** -- Appropriations -- Passed second consideration and referred to the Finance, Ways and Means Committee.

***House Bill No. 1523** -- Bond Issues -- Passed second consideration and referred to the Finance, Ways and Means Committee.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

March 13, 1991

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 18, 1991**: House Resolution(s) No(s). 27; House Joint Resolution(s) No(s). 137, 139, 141, 142 and 143.

PHILLIPS, Chair.

ENGROSSED BILLS

March 13, 1991

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report

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that we have carefully examined House Bill(s) No(s). 623; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENGROSSED BILLS
March 13, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 26, 243, 260, 369, 487, 875, 898, 1038 and 1267; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
March 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 95, 111 and 138; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 276, 406, 778 and 875; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

**MESSAGE FROM THE SENATE
March 13, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 126 and 127; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

March 13, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 121; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0121 -- Memorials, Heroism --
Corporal Douglas Lance Fielder. by *Hicks, et al.

MESSAGE FROM THE SENATE

March 13, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 153, 298, 327, 332, 338, 410, 486, 487, 488, 633, 741, 1008 and 1477; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0153 -- Livestock -- Limits civil liability for**
persons involved in equine activities. Amends TCA, Title 44. by
*Koella.

***Senate Bill No. 0298 -- Highways, Roads and Bridges -- Provides**
for inventory of certain highway properties. Amends TCA, Title 54,
Ch. 5. by *Montgomery, *Atchley.

***Senate Bill No. 0327 -- Sunset Laws -- Extends termination date**
of correctional enterprises board. Amends TCA, Title 4, Ch. 29;
Title 41, Ch. 22. by *Hicks.

Senate Bill No. 0332 -- Sunset Laws -- Extends termination date
of state board for licensing contractors. Amends TCA Titles 1-71.
by *Hicks.

Senate Bill No. 0338 -- Sunset Laws -- Extends termination date
of vocational training centers, board of directors. Amends TCA,
Title 4, Ch. 29; Title 49, Ch. 11. by *Hicks.

Senate Bill No. 0410 -- Banks and Financial Institutions --
Clarifies rights and liabilities of banks and individuals under
certain deposits held in trust and payable on death accounts.
Amends TCA 45-2-704. by *Cooper.

Senate Bill No. 0486 -- Consumer Protection -- Requires certain
disclosure by campground operators in promotional offers. Amends
TCA 47-18-405. by *Cooper.

Senate Bill No. 0487 -- Consumer Protection -- Revises
disclosure requirements of certain promotional or gift offers.

WEDNESDAY, MARCH 13, 1991 -- TWENTY-FIRST LEGISLATIVE DAY

Amends TCA 66-32-133. by *Cooper.

***Senate Bill No. 0488 -- Agriculture --** Makes certain changes in soybean promotion fund assessments; transfers certain authority to board. Amends TCA 43-20-208--210, 213. by *Cooper, *Womack.

Senate Bill No. 0633 -- Garnishments and Executions -- Codifies form for garnishment calculation. Amends TCA, Title 26, Ch. 2. by *Greer.

***Senate Bill No. 0741 -- Public Records --** Requires records of employee assistance program be confidential. Amends TCA 10-7-504. by *Hicks.

***Senate Bill No. 1008 -- Alcoholic Beverages --** Specifies times at which local option elections may be held. Amends TCA, Title 57. by *Cooper.

Senate Bill No. 1477 -- Sewage -- Specifies method of digging septic tank lines for certain lots. Amends TCA, Title 68, Ch. 13. by *Rochelle.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, March 14, 1991.